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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,545	01/26/2006	Mitsugi Nomiya	FUJI22.367 (100794-01038)	5849

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EXAMINER	
GESESSE, TILAHUN	

ART UNIT	PAPER NUMBER
2618	

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05/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/566,545	NOMIYA ET AL.	
	Examiner	Art Unit	
	TILAHUN GESESSE	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,4,6,8,10,12,14-18 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,4,6,8,10,12,14-18,20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of claims

1. Claims 1,3,5,7,9,11,13,15 and 19 have been deleted and claims 2,4,6,8,10, 12,14,16-18 and 20 are pending.

Response to Arguments

Applicant's arguments filed 2/113/09 have been fully considered but they are not persuasive.

On page 7 , first paragraph of response applicant argued that Kangas does not teach or suggest "predicting time required for the channel utilization rate of a first cell of the cells to reach an implementation level."

The examiner respectively disagrees. Bodin teaches the staying threshold is the signal strength threshold that is used to determine whether an established call should continue to be handled by it present base station i.e. whether the call stay within the cell, column 7, lines 20-27 and fig.3A) in which Bodin predicts the time required for call stay in particular cell based on channel utilization level which in this case , threshold level of established call, as far as, the channel level is within SSH threshold value, the predicted time is likely longer to stay in the particular cell.

Hence, "predicting time required for the channel utilization rate of a first cell of the cells to reach an implementation level." is disclosed by Bodin as expressed above Therefore, it is prima facie case of obviousness is established because the evidence of the closed prior art, is sufficient to rebut the prima facie case of obviousness.

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 2,4,6,8,10,12,14,16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodin in view of Kanga (US 5,504,937).

Claim 2, Bodin teaches a dynamic traffic control method that controls traffic in a radio network system where a radio network controller causes a plurality of radio base stations to change radio outputs, (see abstract and figure 4, column 8, lines 31-64), in which traffic load dynamically controlled by the control network.

Bodin teaches measuring a channel utilization rate of each of cells of the radio base stations every predetermined period (see column 8, lines 33-45 and flow chart of fig.8).

Bodin teaches reducing the radio output of the first cell and increasing the radio output of a second cell adjacent to the first cell if the channel utilization rate of the first cell is predicted to reach the implementation level (see abstract and figure 4, column 8, lines 31-64).

Bodin teaches controlling whether the channel utilization rate of a first cell of the cells reaches an implementation level, at which radio output control over the first cell is required, (see column 5, lines 24-46).

Bodin teaches in a next period based on a movement of the channel utilization rate in the past if the channel utilization rate of the first cell is at a warning level (see column 5, lines 24-46 and figure 2).

Bodin does not expressly teach predicting cell load. However, Kanga, in similar art of endeavor, teaches the network controller measuring and /or predicting the traffic load of a certain neighboring base station (column 4, lines 45-53 and fig.2) in which predicts cell by cell basis in order to determine the traffic pattern and load at any time in

the future using exclusive drive test.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bodin in predicting and set traffic capacity in each cell, as taught by Kangas, for efficiently controlling the local network capacity and improving the utilization efficiency of the equipment and frequency channel of the base station (see column 2, lines 38-41 of Kangas).

Claim 4,Bodin teaches the radio outputs of the first cell and the second cell are changed by sending one instruction for each of the first cell and the second cell to the corresponding radio base stations from the radio network controller (see abstract and figure 4, column 8, lines 31-64)

Claim 6, Bodin teaches the radio outputs of the first cell and the second cell are gradually changed by sending a plurality of instructions for each of the first cell and the second cell to the corresponding radio base stations from the radio network controller (see abstract and figure 4, column 8, lines 31-64).

Claim 8, Bodin teaches counting a number of areas included in each of the cells of the radio base stations every predetermined period and a step of changing the warning level or the implementation level according to the number of areas included in the corresponding cell (see figure 3a-3c and its description).

Claim 10, Bodin teaches the warning level or the implementation level is lowered if the number of the areas included in the corresponding cell is large (see figure 4 and its disclosure).

Claims 12,14, Bodin teaches counting a number of areas included in each of the cells of the radio base stations every predetermined period and a step of applying weighting to the movement of the channel utilization rate in the past according to the number of areas included in the corresponding cell (see figure 3a-3c and its description).

Claim 16-18, Bodin does not expressly teach predicting cell load. However, Kanga, in similar

art of endeavor, teaches the network controller measuring and /or predicting the traffic load of a certain neighboring base station (column 4, lines 45-53 and fig.2) in which predicts cell by cell basis in order to determine the traffic pattern and load at any time in the future using exclusive drive test.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bodin in predicting and set traffic capacity in each cell, as taught by Kangas, for efficiently controlling the local network capacity and improving the utilization efficiency of the equipment and frequency channel of the base station (see column 2, lines 38-41 of Kangas).

Claim 20 , Bodin teaches a radio network controller device (MSC of figure 1) that controls traffic in a radio network system where a radio network controller causes a plurality of radio base stations to change radio outputs, (see abstract and figure 4, column 8, lines 31-64), in which traffic load dynamically controlled by the control network.

Bodin teaches measuring a channel utilization rate of each of cells of the radio base stations every predetermined period (see column 8, lines 33-45 and flow chart of fig.8).

Bodin teaches reducing the radio output of the first cell and increasing the radio output of a second cell adjacent to the first cell if the channel utilization rate of the first cell is predicted to reach the implementation level (see abstract and figure 4, column 8, lines 31-64).

Bodin teaches controlling whether the channel utilization rate of a first cell of the cells reaches an implementation level, at which radio output control over the first cell is required, (see column 5, lines 24-46)

Bodin teaches in a next period based on a movement of the channel utilization rate in the past if the channel utilization rate of the first cell is at a warning level (see column 5, lines 24-46 and figure 2). Bodin does not expressly teach predicting cell load. However, Kanga, in similar art of endeavor, teaches the network controller measuring and /or predicting the traffic load of a certain neighboring base station (column 4, lines 45-53 and fig.2) in which predicts cell by cell basis in order to determine the traffic pattern and load at any time in the future using exclusive drive test.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bodin in predicting and set traffic capacity in each cell, as taught by Kangas, for efficiently controlling the local network capacity and improving the utilization efficiency of the equipment and frequency channel of the base station (see column 2, lines 38-41 of Kangas).

Reference cited in the PTO-892 form are considered to be relevant to the broadly recited applicant's claim invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B. Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 9,2009
T.B.G

Tilahun B Gesesse
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